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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Burnett et al.

Serial No.: 10/784,676

Art Unit: 3761

Filed : 02/23/2004

Examiner: Evans

For : DELIVERY SYSTEM FOR TOPICAL SKIN CARE AGENTS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

April 7, 2006

(Date)

Brett T. Freeman

Name of applicant, assignee, or Registered Representative

/Brett T. Freeman/

(Signature)

April 7, 2006

(Date of Signature)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Dear Sir:

The owner, Johnson & Johnson Consumer Companies, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Pat. No. 6,719,740 filed February 8, 2001 ("740 Patent"). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and

during such period that it and the '740 Patent are commonly owned. This agreement runs with any patent granted on application Serial No. 10/784,676 and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the '740 patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The Terminal Disclaimer fee under 37 CFR §1.20(d) and any additional fees which may be owed in connection with the filing of this Terminal Disclaimer can be charged to Johnson & Johnson Deposit Account No. 10-0750/J&J1995CNT/BTF.

Respectfully submitted,

/Brett T. Freeman/

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Brett Freeman  
Reg. No. 46,709  
Attorney of Record

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003  
(732) 524-3428  
Date: April 7, 2006